

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	14/05/19
Planning Development Manager authorisation:	SCE	14.05.19
Admin checks / despatch completed	AP	15/5/19

Handwritten initials

Application: 19/00464/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr & Mrs Thornton
Address: 30 The Larneys Kirby Cross Frinton On Sea
Development: Single storey rear extension.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

N/A

3. Planning History

19/00464/FUL Single storey rear extension. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF

also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Application site

The application site is within the development boundary of Frinton. It serves a two storey dwelling constructed of brick and a tiled roof. The rear garden is laid to lawn with a small patio area with gravel and a mixture of close barding fencing and brick on the boundaries. The front of the site is laid to lawn with a side entrance to the rear garden with parking areas on The Larneys.

Proposal

This application seeks planning permission for a single storey rear extension. The proposal will measure a maximum depth of 2.7m, 3.7m wide and will have a flat roof with a maximum height of 3.1m. Within the flat roof is a proposed roof lantern which will measure an overall maximum height of 3.7m. It will be constructed of brick to match the existing dwelling.

Assessment

The main considerations of this application are the design and impact upon residential amenity.

Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design and Appearance

The proposed rear extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. The development will be visible from The Larneys, as the proposed extension protrudes from the side of the host dwelling. However, this is screened by existing trees and shrubbery. The proposal will also be visible from the adjacent public footpath which is situated within the open space and will therefore effect the character of the surrounding area. However, it is considered that the effect would not be detrimental due to the design complimenting the host dwelling.

The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

Impact on Residential Amenity

The rear extension would be a distance of 0.1m to neighbouring property 28 The Larneys, and will be on the boundary line to the adjacent open space area. As the proposal is for a single storey flat roof extension, there will be no significant loss of light or overlooking.

The proposal will result in a loss of light and outlook to the neighbouring dwelling of 28 The Larneys which has two windows and a door to the rear serving a kitchen. Due to the loss of light resulting from the proposal it is therefore necessary to apply the sunlight calculations specified within the Essex Design Guide to the proposal. The 45 degree line in elevation would strike through the lower part of one of the neighbouring dwellings rear windows and in plan would cover said window. However, this is a secondary window as the main light comes from the other rear window and door.

It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

Other Considerations

Weeley Parish Council has no objection to the proposal.
No letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.